

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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MAGDA EISENBERG,

Plaintiff,

-against-

NEW ENGLAND MOTOR FREIGHT, INC.&  
ANDRE HEMRAJ,

**NOTICE OF MOTION**

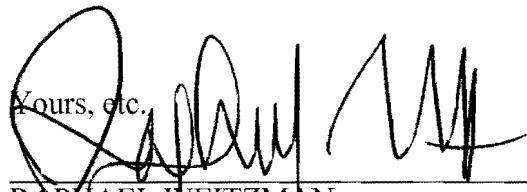
Civil Action File No.:  
08 CV 1469 (VM)(DCF)

Defendants.

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**PLEASE TAKE NOTICE**, that upon the annexed Certification of Good Faith, Declaration and Memorandum of Law of Raphael Weitzman; Notice of Discovery & Inspection and Combined Demands dated December 26, 2007; Plaintiff's Notice of Interrogatories, Request for Production of Documents and Admissions dated April 8, 2008; State Court's Case Scheduling Order dated January 02, 2008; this Court's Order dated February 08, 2008 and Order dated July 8, 2008 and upon all of the pleadings and prior proceedings had herein, the undersigned will move this Court before the Honorable Debra Freeman, at the Courthouse located at 500 Pearl Street, Room 20B, New York, New York 10007, on the 8th day of August, 2008, 09.30 AM o'clock in the fore noon of that day, or as soon thereafter as counsel can be heard, for an order pursuant to FRCP 37: (1) compelling the Defendants to provide full and complete responses, without objections, to Plaintiff's Notice of Interrogatories and Request for Production of Documents subsequent to the issuance of the Order; or if the court sees fit, (2) directing that the matters embraced in the current motion be taken as established for purposes of the action, as the Plaintiff claims; (3) prohibiting the Defendants from supporting or opposing designated defenses, or from introducing designated matters in evidence; (4) striking pleadings in whole or in part; (5) rendering a default judgment against the disobedient party; (6) awarding Plaintiff her attorneys' fees and expenses incurred in connection with this motion; and (7) granting such other and further relief as this Court may deem just and proper;

Dated: New York, New York  
July 29, 2008

  
Yours, etc.

RAPHAEL WEITZMAN  
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